

Oppose SF997 (Latz)/HF1019 (Feist)

(Relating to changes to MN Statue 573.02)

On behalf of the coalition of organizations below, we would like to express our significant concern with SF997/HF1019 as it relates to continuing a cause of action after death.

Under current Minnesota law governing wrongful death actions, family members may pursue claims for their own financial loss which includes economic loss and their loss of aid, comfort and society, but cannot recover damages for the decedent's pain and suffering. Advocates supporting changes to this law are quick to say that Minnesota is one of just a few states that do not allow this type of a claim to "survive." It is important to note, however, that while a decedent's pain and suffering is compensable in 41 jurisdictions, the vast majority of states have addressed this issue through their respective court systems, rather than their legislature. In most states, protections are built into the system such as high evidentiary standards, limiting the recovery to 'pending claims' or legislatively-imposed caps on damages.

Additionally, since the last time this bill came before the Legislature, we have experienced a once-in-a-lifetime pandemic, during which Minnesota was in the minority of states that did not extend liability protections for our frontline workers, public health employees and health care providers. The impact of this omission when combined with this proposal is extremely troubling.

Minnesota has never rewarded people who have not been directly injured with money for another person's claims. Survivorship proposals will negatively impact every industry in the State by drastically expanding tort claims -- the impacts potentially being far broader than just long-term care as the changes could impact anyone who can be sued for wrongful death or personal injury:

- Municipalities
- Schools
- Hospitals
- Nursing Homes
- Physicians
- EMS Providers
- Transportation companies or companies with fleets
- Manufacturers
- Utilities
- Retail and hospitality
- Contractors
- Those who develop or sell products

Collectively we represent thousands of businesses and health care providers that would be adversely impacted by changing the survivorship law. Expanding tort claims and giving money to individuals who have not been injured will have a NEGATIVE EFFECT on industries as dollars will go to increased lawyer fees for litigation claims as well as increased insurance premiums rather than improving care or providing services.



A Minnesota Collaboration for Changes in Older Adult Services



